

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walker et al.
Application No.: 10/784,845
Filed: February 23, 2004
Title: METHOD AND APPARATUS FOR SETTING GAME
PARAMETERS

Attorney Docket No. 03-011
Group Art Unit: 3714
Examiner: COBURN, Corbett B.

CUSTOMER NO: 22927

PETITION UNDER 37 C.F.R. 1.47
TO REQUEST ACCEPTANCE OF NATIONAL APPLICATION
WITHOUT PARTICIPATION OF ONE OR MORE INVENTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request acceptance of the present application without participation of one or more inventors, which inventor(s) have either refused to join in the application or cannot be found or reached after diligent effort.

Relevant Facts and Proof

Applicants filed the present patent application concurrently with a Declaration and Power of Attorney on February 23, 2004.

Victor M. Garcia, an inventor on the present application, is no longer employed by Walker Digital. His last known address was: 315 Willow Street, New Haven, CT 06511.

On January 14, 2004, Victor M. Garcia placed a telephone call to Applicants. Mr. Garcia indicated to Applicants that he was unwilling to cooperate in signing any documents pertaining to Walker Digital cases on which he is a named inventor. Please see *AFFIDAVIT OF MICHAEL D. BRINTON*.

On April 5, 2007, Applicants shipped a FedEx package containing a Declaration and Power of Attorney, Assignment, Application, and Formal Drawings with instructions on executing and returning the documents to the last known address of Victor M. Garcia. Please see *EXHIBIT A*. The FedEx package was delivered to the recipient's residence on April 6, 2007. Please see *EXHIBIT B*.

After researching Victor M. Garcia's current address on the Internet and comparing to his last known address in our internal Inventor database we believe that the his latest address is:

Victor M. Garcia
315 Willow Street
New Haven, CT 06511

Please see *EXHIBITS C & D*.

Remarks

Applicants filed a petition under 37 C.F.R. 1.47 for non-signing inventor on February 23, 2004 to the Office of Petitions.

The Office of Petitions mailed a decision of the petition as **DISMISSED** on March 2, 2007.

Since receiving the **DISMISSED** petition, Applicants have made a diligent effort to locate the non-signing inventor's current address and satisfy the statutory and regulatory requirement of Petitioner by mailing the entire application (description, claims, abstract and drawings) along with Declaration and Power of Attorney.

Applicant believes the renewed petition (and fee) is grantable under 37 C.F.R. 1.47 by the Office of Petitions.

Petition Fee

Please charge \$320.00 for this petition and one month's extension of time under 37 C.F.R. 1.136(a) to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

If the Office of Petitions has any questions regarding this petition or the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 461-7041 or via electronic mail at Mfincham@walkerdigital.com.

Respectfully submitted,

June 4, 2007
Date

/Taylor M. Davenport Reg. #42,466/
Taylor M. Davenport
Attorney for Applicants
Registration No. 42,466
(203) 461-7228/phone
(203) 461-7300/fax